

AMENDMENT TO THE DRAWINGS

Kindly amend the drawings as noted in the clean/Replacement Sheet and marked-up version under §1.125, attached hereto.

REMARKS

The enclosed substitute specification, submitted under 37 C.F.R. §§1.121 and 1.112, replaces the previous specification with a format conforming to the format requirements of the US Patent Office. The replacement drawing addresses the requirements of the US Patent Office and places the application in position for allowance.

Claim 1 is not amended.

Claims 2, 3, 4, 5, 6, 7, 12, and 15 are amended.

Claims 13, 16 are canceled.

Claims 17-29 are added to literally accord with the original German translation specification and claims without multiple dependencies.

No new matter has been added.

1. Specification

On page 3 of the present action an objection to the Specification is noted but, unless noted specifically below, is principally directed to details asserted in the claims as amended with the initial filing and hence addressed in the present amendment.

Unfortunately, due to the age of the present application no publication exists for ready reference, as a consequence the certified translation originally filed is attached hereto (as pages 1-5) and is referenced in addressing each of the examiner's noted concerns.

The phrase "inner welded or bonded folds" of outer shell 2 (in claim 2) is readily supported by the description as a whole, bonding occurs to the outer shell, which is flexible, a fold is subsumed readily in the disclosure (see Fig. 1, right hand side, (showing a folded outer shell)). The phrases 'welding' or 'bonding' or 'sealing' are well supported and need not be further specified. Ultimately, since the original claims

note a 'joining' the specification readily subsumes forms of 'joining' in view of the remainder of the specification which discusses sewing, gluing, bonding, fusing, etc..

The phrase "the inserted edge of the dividing wall into either a welded or bonded s-fold" is similarly supported by the ready use of the contacting wall edge (e.g., an inserted edge (see also Detail A) contacting the outer shell and being welded or bonded (or joined – original claim 1) and this is well supported in the specification). The phrase "s-fold" is merely the end on view of the detail in Detail A, which looks rather like the letter "s" for lack of a more descriptive phrase, and may be so described without departing from the scope of the description.

The phrase "attachment by weaving, knitting, interfolding, overlapping, stitching, riveting, transpositioning or vulcanizing" is noted as follows (regarding present claims 3, 6 etc.). The translation in page 2, first through last paragraphs teaches broadly bonding, welding, glueing and sealing, as well as the original claim 1 which notes the extremely broad phrase "joining" (original line 6 on page 4 of the translation). Specifically, Detail A teaches stitching, as does claim 2 (page 4), stitching is well known as a language substitute for knitting. The phrases "interfolding" and "overlapping" and "transpositioning" (aka overlapping) are readily supported descriptors for the assembly in Detail A (overlapping/transposition is noted, folding is noted (e.g., interfolding), and "transpositioning" is overlapping..... all supported. The phrase "vulcanizing" is no longer restricted to merely the use of natural rubber in the modern world but is well known in the art as representing the fusing thermoplastic materials into a whole (page 2, third para.) or onto or relative to another material, is a colloquial term, and is therefore supported.

The phrase snap, tie, or hook and loop fastener strip is not at further issue.

The phrase "water proof seam" (re. claim 6) is readily supported by the teachings throughout the translation of bonding, welding, gluing, sealing, etc., the use of water proof thermoplastic materials that do not beach the outer shell, the use of a

waterproof outer shell, and the subsumed materials selected generating a water proof seal or seam (a leaky seam being antithetical to the need for a waterproof/water resistant sleeping bag) and a waterproof sleeping bag.

The phrase “impregnated thermoplastic material” is readily supported by the disclosure of materials that are “constructed from” (e.g., impregnated with) thermoplastic material (page 2 third para.), or the use of fabric coated with thermoplastic material for “welding” (which subsumes impregnation sufficient to enable welding).

The phrase “coarsely woven mesh material, heat fused random-fiber material, solid sheet material, and perforated sheet material” is readily supported by the use of selected materials for the dividing wall material and the overall disclosure. For example, the dividing walls may be of ‘shell’ material (readily known as being a textile or sheet material like nylon fabric and the micro fibers disclosed), or a breathable textile (original claim 7) for “perforated sheet material” or the use of “tricot” or “mosquito netting” material for “fused random-fiber material” “coarsely woven mesh”(original claim 6) and “perforated sheet material” (claim 7 – breathable textile).

The phrase “natural fiber batting” is readily supported by the broader phrase “stuffing material” (page 2, second para.) is subsumed into the use of the broader phrase and finds support therein.

The concern directed to the “entire contents” of claim 16 is respectfully insufficiently specific to require a response at this time, and specific concerns are requested in detail if concern remains. In an effort at stream lined practice, Applicant notes that the language in claim 16 is well within the language used in the art and Applicant may be their own lexicographer without slavish adherence to the specific words in a specification. For example, the phrase “sheet material surface that is... contiguous with a volumized interior” is readily supported by Fig. 1 alone and the discussion; namely, internal bats of sheet materials (dividing walls of weldable or glue

material) such as the microfibers noted in the specification that bound a part of the ‘insulating chamber’ which is a ‘volumized interior’. Similarly the introduction of “stuffing material” readily supports and subsumes the fiber batting constructed from plastic (well known as a waterproof material) without departing from the scope and spirit of the present invention.

Applicants have respectfully addressed each of the concerns objected to by the Office and reconsideration and withdrawal of the objection is requested for that reason as well as for the present amendments to the claims.

In view of the present response and details herein, it is proposed that the present objection has been overcome and notice to that effect is respectfully solicited.

A substitute specification is included herewith under 37 C.F.R. 125 for simplicity, and the following details are noted. No new matter is added. A cross reference to related applications to secure the priority chain is added. The phrase “description” in the translation has been replaced with ‘background of the invention’, ‘field of the invention’ and ‘description of the related art’ respectively. A section for ‘objects and summary of the invention’ and ‘description of the drawings’ is also included. Similarly, the phrase ‘detailed description of the preferred embodiment’ is added, and ‘abstract’ is replaced with ‘abstract of the disclosure’ and the elemental call-out references removed. Each of these amendments merely places the application form in accordance with US format practice and adds no new matter.

Additionally, it is noted (in Detail A), that a call out reference ‘7’ is noted as overlaying the attachment strip 6 and a portion of the outer shell 2. While this typographical error was not noted earlier, the call out reference ‘7’ is lacking from our translation, but is well supported in the translation (on the second page of the translation, second full paragraph) with the phrase:

“The attachment strip and outer shell are joined by a band of weldable material like polyurethane, which overlaps the edge of the attachment strip 6 and is welded in place”

Consequently, we have included the call out reference “7” in the specification at this location after the phrase “band of weldable material” in the clean replacement specification. Similarly, Applicant has inserted paragraph breaks and paragraph indents where obviously a change in tone or subject occurred, and has replaced ‘said’ with ‘the’ where it is used in the abstract and specification.

It is proposed, that the clean replacement specification attached is readily followed point by point with the present translation. Again, no new matter has been added. Review and entry of the replacement specification in the record is respectfully requested.

2. Drawings

Applicant has provided a clean replacement sheet and a marked-up/annotated sheet in ‘red ink’ under 37 C.F.R. §1.121 and 1.84. As the matter is submitted electronically, obviously the ‘red ink’ will appear black, but it is proposed that the mark-ups/annotations are readily apparent from the sheet itself.

Minor line blemishes have been clarified. The Fig. 1 and page markings have been repositioned or inserted. The phrase “detail A” has been formally inserted from the translation on the published WO 01/12029 version. The ‘prime’ mark on the number 5 in Detail A has been removed, since there is no “5” noted in the specification this appears to be merely a blemish or mis-hand-marking from the initial filing. This matter has now been removed. In response to these replacement details, it is respectfully proposed that the present objection has been reasonably overcome and notice to that effect is requested in the record.

The present drawings are objected on the basis that the standard for drawings is literally that they must show every feature in the detail specified in the claims under 37 C.F.R. §. It is respectfully proposed that this is not the standard to which the drawings are held. 35 U.S.C. §113 and 37 C.F.R. §1.81 draw attention to the use of a drawing is needed. Where a detailed illustration is not essential for a proper understanding of the invention this need not be illustrated. Here, the specific claims include elements not required for illustration. For example, where the existence of a conventional element recognized by one of skill in the art is claimed (for example a zipper) in combination with the specific elements shown in the drawing, this need not be illustrated for obvious reasons. Similarly, where a feature of a material (waterproof) or a construction of a material (tricot or mosquito netting) is claimed, and would be understood to those of skill in the art, these need not be shown. Also, for example where a single means for “sealing/bonding” (for example thermal fusing) is shown in the drawing, and other types of “sealing/bonding” are discussed in the claims (for example stitching), these need not be shown in every variant because one of skill in the art will readily understand the scope of the claim from the disclosure itself.

Reconsideration and withdrawal of the objection is respectfully requested in view of the amendments herein.

3. Claim Rejection under 35 U.S.C. §112

The earlier presented claims 2, 3, and 5-16 stand preliminarily rejected for failure to comply with §112. It is well known, and a basis for examination, that each rejection must be addressed with sufficient specificity to enable the Applicant to consider the impact of the rejection and access their options prior to responding. On page 4, the present rejection of the claims noted above provides no specificity regarding the claims of concern at all and notes merely the form paragraph. Applicant cannot be left guessing as to the basis for such a rejection. For this reason, Applicant respectfully

proposes that the requirements to establish a prima facie rejection under §112 have not been met and requests withdrawal of the same and notice to that effect.

However, in the interests of streamlined prosecution, Applicant has respectfully responded above (regarding the objection to the claims) and further proposes that the comments above, as well as the present amendments herein respond to the presently-unstated concerns raised by the Examiner. As an additional offer of assistance, it is proposed, that should additional questions remain about whether or not the subject matter in the claims may be readily supported by the specification an offer is made to provide a declaration from the inventor who is well regarded in the field. In view of the above therefore, it is proposed therefore, that the present response in whole responds to and overcomes this prima facie rejection and notice to the effect is earnestly solicited.

4. Rejection under 35 U.S.C. §102(b) in view of Kikuchi (US 5,483,713)

Claims 1-4, 8-13, and 15 stand preliminarily rejected for anticipation under 35 U.S.C. §102(b) in view of the Kikuchi reference alone. Claim 1 has not been otherwise rejected under §112 or objected to with specificity in the earlier action.

The rejection is described on pages 4-5 of the instant action and has been carefully considered and is respectfully traversed. Reconsideration is requested.

It is noted that 35 U.S.C. §132 functions to require a complete statement for all reasons of rejection together with the information required to judge the propriety of continuing the prosecution. Similarly, 37 C.F.R. §1.104(b) and (c) function similarly to mandate the present rejection as one that is complete as to all matters and is based upon the best references known to the office, and that the sections in the reference causing such a rejection are designated with specificity. It is noted that the limitations in the specific dependent claims are not raised (for example temporary attachment or a zipper do not exist in the applied reference and the dependent claims are allowable for that reason alone). Consequently, under §102(b), should independent claim 1, or any other

dependent claim, be shown to include at least one additional or different element or limitation not found within the applied reference, that claim is allowable.

Applicant respectfully submits that claim 1, requires the limitation of an outer shell of waterproof material. This specific limitation is not addressed in the action. The action notes that layer can be considered the outer shell. However, the limitation of ‘waterproof’ does not exist in the reference regarding layer 22, does not exist in the suggested column 5, lines 3-36 discussion of material, and would be antithetical to use in a quilt or clothing (the purposes noted in ‘713).

The cited materials section (col. 5 lines 3-36) requires that all such fabric materials are ultimately ...”air-permable” which is antithetical to “waterproof”. The present invention teaches to the difficulties of dealing with waterproof materials while (obviously) retaining the integrity of the waterproof outer shell. The limitation of *waterproof* material is required in claim 1 and is not within the reference applied.

Since at least one additional or different element has been shown to exist in the single independent claim that is not within the reference it is respectfully proposed that the preliminary anticipation rejection has not been established, and that independent claim 1, and the other independent claims herein, are allowable for that reason alone.

The present dependent claims, depending from claim 1, are allowable for that reason alone as well as for the additional limitations and elements they contain (for example a zipper).

It is presently believed that the preliminary rejection has been overcome, that the claims are allowed, and notice to the effect is earnestly requested.

5. Information Disclosure Statement

The present application is a 371 national phase filing from a PCT application which included an ISR. Applicant has not noted a review of these materials despite their incorporation in the official record and provides herewith the same references.

CONCLUSION

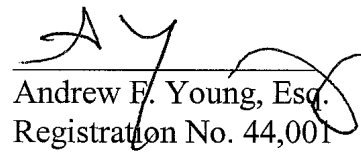
Applicant respectfully proposes that they have responded completely to each and every concern raised by the office and thank the Examiner for his thorough review. In view that the above amendments and response place the application in condition for allowance notice to the effect is urgently requested.

While no fees are believed due with this submission, other than those authorized and enclosed herewith for additional claims, should additional fees be due or the return of over payments necessary, authority is provided to access Deposit Account No. 10-0100 (Attn. MERTE.Y3-20).

In the spirit of condensed and streamlined practice, if the Examiner believes that a telephone conference would be of value, the Examiner is respectfully requested to call the undersigned counsel for a prompt response.

Early and favorable action on the merits is respectfully requested in view of the enclosed amendments.

Respectfully Submitted,



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MERTE.Y3-20 SUBSTITUTE SPECIFICATION AND AMENDMENT.DOC

Attached:

Replacement Sheet

Marked-Up Sheet – noting changes made

Copy of certified translation for review, number by hand pages 1-5.

Clean version (without markings) under 37 C.F.R. §1.125(c).

CLEAN VERSION

Kindly replace the specification with the clean version supplied below.

SLEEPING BAG**CROSS REFERENCE TO THE RELATED APPLICATIONS**

This application claims priority to PCT/IB00/01295 filed August 2, 2000, which in turn claims priority from DE 299 13 9211.2 filed August 12, 1999.

BACKGROUND OF THE INVENTION**1. Field of the Invention**

This invention concerns a sleeping bag constructed of side by side chambers formed by dividing walls and filled with stuffing material, inner and outer shells that cover the chambers and a zipper.

2. Description of the Related Art

Sleeping bags designed for various purposes have been available in many different styles for a long time. When sleeping outdoors (without a tent), it is desirable to have protection from dampness and wetness caused by rain, dew, or snow. For this reason, sleeping bags are available with waterproof outer shells.

One example in current use is Super Dryloft from Gore, a membrane made of stretched Gore-Tex that is laminated onto nylon. Stretching the membrane increases the membrane's water vapor-permeability. However, it is moisture resistant and completely windproof. Micro-fiber fabrics, such as Pertex nylon, are used for less demanding requirements.

Although these sleeping bags are essentially waterproof, they exhibit weak spots, especially in places where there are external seams.

In order to address this issue, it has been proposed to equip sleeping bags with separate outer coverings (like that available under the trade name C-tex) under which is located a cover made of vapor-permeable laminate. However, this necessitates carrying and packing an additional item.

OBJECTS AND SUMMARY OF THE INVENTION

The purpose of this invention is to create a waterproof sleeping bag, the resistance characteristics of which are improved and with which it is unnecessary to carry additional item.

This purpose is fulfilled with the features described in Claim 1. The additional claims detail the invention's characteristics and further developments.

According to the invention, a sleeping bag consists of side by side chambers formed by dividing walls and filled with stuffing material, inner and outer shells that cover the chambers, and a zipper. The sleeping bag is characterized by the outer shell, which is made of a waterproof material; the outer shell and dividing walls or the outer shell and the attachment strips (bonded to the dividing walls), which consist of a weldable or glueable material; and the dividing walls, which are welded or glued at their ends or through the use of attachment strips to the inside of the outer shell. If dividing walls are used that are not weldable or glueable, these will be sewn to the attachment strips. It is preferable for the sleeping bag to have a waterproof zipper or a zipper that is covered with a waterproof outer flap, whereby, it is preferable for the outer flap to be welded or bonded to the outer shell.

It is preferable for the outer shell and the attachment strips to be constructed from a

thermoplastic material like PVC or polyurethane or from a fabric that is coated with these materials. For welding, any material may be used that can be welded using common methods (high frequency welding, hot air welding, hot sealing with the use of welding aids, heated wedge pressure welding, heat-pulse welding, radiant heat welding).

In order to maintain convection and promote evaporation, the dividing walls should be constructed of materials like tricot or mosquito netting fabric. The inner shell will be constructed preferably in the common manner from cotton, nylon fabric, or polyester fabric, in other words, a breathable textile and the dividing walls are sewn up with this material at their other, inner ends. The filling will be down or synthetic fibers as is common.

The following will more closely describe an example of the invention with the help of a drawing.

BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is a side view of a sleeping bag construction with adjacent chambers and a section Detail A.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring now to Fig. 1, a schematic section through a sleeping bag 1 is shown with an outer shell 2 and an inner shell 3. Chambers 4 are arranged between the outer shell 2 and the inner shell 3. The chambers are divided by the dividing walls 5. The chambers 4 are filled with down or synthetic fibers. Inside, the dividing walls 5 are sewn to the inner shell 3. Refer to the enlarged detail A to view the connection to the outer shell 2.

The dividing wall 5, which may consist of mosquito netting, is sewn to a weldable attachment strip 6 via a seam 8. The attachment strip 6 rests on the inside end of the outer

shell 2, which is also constructed of a weldable material. The attachment strip and outer shell are joined by a band of weldable material 7 like polyurethane, which overlaps the end of the attachment strip 6 and is welded in place.

This construction produces an external shell 2 that is completely unbroken externally, has no seams, no abrasion-prone glue spots, or externally-located welding bands. In contrast to supplemental outer materials or separate covers, the design produces no noticeable increase in weight. If side seams or similar are present, these can be covered in the normal way with welded bands if it is not possible to avoid them with overlapping welds.

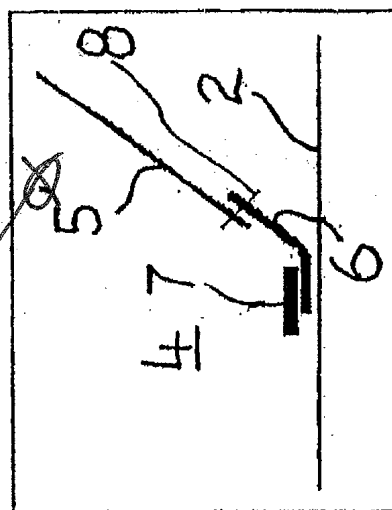
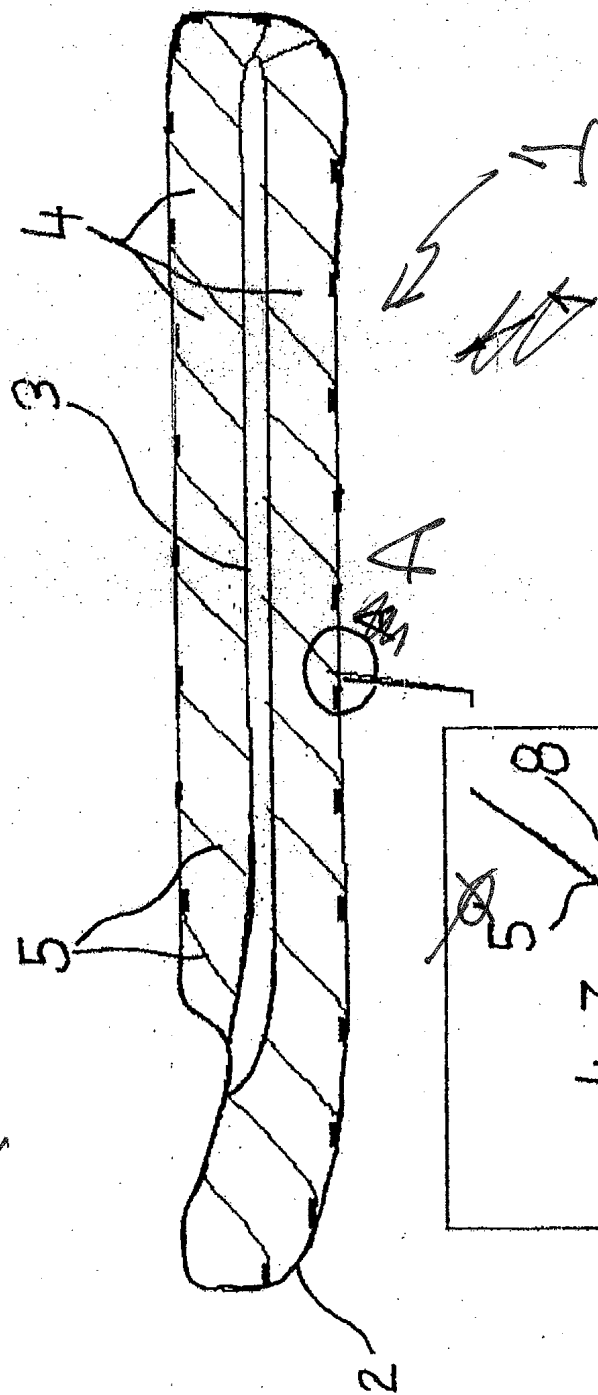
ABSTRACT OF THE DISCLOSURE

The invention relates to a sleeping bag consisting of adjacent chambers that are formed by partition walls. The chambers contain a filling material. The sleeping bag also consist of a zip and inner and outer linings which cover the chambers. The outer lining consist of a waterproof material. The outer lining and the partition walls or the outer lining and fixing stripes being connected to the partition walls consist of a material that can be sealed. The partition walls are sealed onto the outer lining from the inside at the end of said walls or by means of the fixing strips.

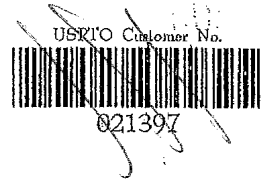
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DETAIL A

~~Fig 1~~



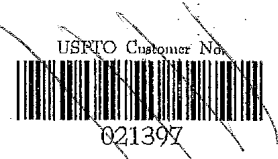
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DETAIL A



Sleeping bag

Description

- 5 This invention concerns a sleeping bag constructed of side by side chambers formed by dividing walls and filled with stuffing material, inner and outer shells that cover the chambers, and a zipper.
- 10 Sleeping bags designed for various purposes have been available in many different styles for a long time. When sleeping outdoors (without a tent), it is desirable to have protection from dampness and wetness caused by rain, dew, or snow. For this reason, sleeping bags are available with waterproof outer shells. One example in current use is Super Dryloft from Gore, a membrane made of stretched Gore-Tex that is laminated onto nylon. Stretching the membrane increases the membrane's water vapor-permeability. However,
- 15 it is moisture resistant and completely windproof. Micro-fiber fabrics, such as Pertex nylon, are used for less demanding requirements. Although these sleeping bags are essentially waterproof, they exhibit weak spots, especially in places where there are external seams. In order to address this issue, it has been proposed to equip sleeping bags with separate outer coverings (like that available under the trade name C-tex) under
- 20 which is located a cover made of vapor-permeable triple laminate. However, this necessitates carrying and packing an additional item.
- The purpose of this invention is to create a waterproof sleeping bag, the resistance characteristics of which are improved and with which it is unnecessary to carry additional
- 25 items



This purpose is fulfilled with the features described in Claim 1. The additional claims detail the invention's advantageous characteristics and further developments.

According to the invention, a sleeping bag consists of side by side chambers formed by
5 dividing walls and filled with stuffing material, inner and outer shells that cover the
chambers, and a zipper. The sleeping bag is characterized by the outer shell, which is
made of a waterproof material; the outer shell and the dividing walls or the outer shell
and the attachment strips (bonded to the dividing walls), which consist of a weldable or
glueable material; and the dividing walls, which are welded or glued at their ends or
10 through the use of attachment strips to the inside of the outer shell. If dividing walls are
used that are not weldable or glueable, these will be sewn to the attachment strips. It is
preferable for the sleeping bag to have a waterproof zipper or a zipper that is covered
with a waterproof outer flap, whereby it is preferable for the outer flap to be welded or
bonded to the outer shell.

15 It is preferable for the outer shell and the attachment strips to be constructed from a
thermoplastic material like PVC or polyurethane or from a fabric that is coated with these
materials. For welding, any material may be used that can be welded using common
methods (high frequency welding, hot air welding, hot sealing with the use of welding
20 aids, heated wedge pressure welding, heat-pulse welding, radiant heat welding).

In order to maintain convection and promote evaporation, the dividing walls should be
constructed of materials like tricot or mosquito netting fabric. The inner shell will be
constructed preferably in the common manner from cotton, nylon fabric,



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or polyester fabric, in other words, a breathable textile and the dividing walls are sewn up with this material at their other, inner ends. The filling will be down or synthetic fibers as is common.

- 5 The following will more closely describe an example of the invention with the help of a drawing.

Figure 1 depicts a schematic section through a sleeping bag 1 with an outer shell 2 and an inner shell 3. Chambers 4 are arranged between the outer shell 2 and the inner shell 3.

- 10 The chambers are divided by the dividing walls 5. The chambers 4 are filled with down or synthetic fibers. Inside, the dividing walls 5 are sewn to the inner shell 3. Refer to the enlarged detail A to view the connection to the outer shell 2. The dividing wall 5, which may consist of mosquito netting, is sewn to a weldable attachment strip 6 via a seam 8. The attachment strip 6 rests on the inside end of the outer shell 2, which is also
- 15 constructed of a weldable material. The attachment strip and outer shell are joined by a band of weldable material⁷ like polyurethane, which overlaps the end of the attachment strip 6 and is welded in place. This construction produces an external shell 2 that is completely unbroken externally, has no seams, no abrasion-prone glue spots, or externally-located welding bands. In contrast to supplemental outer materials or separate
- 20 covers, the design produces no noticeable increase in weight. If side seams or similar are present, these can be covered in the normal way with welded bands if it is not possible to avoid them with overlapping welds.



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Claims

1 1. Sleeping bag that consists of side by side chambers formed by dividing walls and filled
2 with stuffing material, the inner and outer shells that cover the chambers, and a zipper,
3 characterized by
4 the outer shell (2), which is made of a waterproof material,
5 the outer shell (2) and the dividing walls (5) or the outer shell and the attachment strips
6 (6) (joined with the dividing walls), which consist of a weldable or bondable material,
7 and the dividing walls (5), which are welded or bonded at their ends to the inside of the
8 outer shell or through the use of attachment strips (6) .

1 2. Sleeping bag according to claim 1,
2 characterized by
3 the dividing walls (5), which are sewn to the attachment strips (6).

1 3. Sleeping bag according to claim 1 or 2,
2 characterized by
3 a waterproof zipper or a zipper covered with a waterproof outer flap.

1 4. Sleeping bag according to claim 3,



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2 characterized by
3 the outer flap, which is welded onto the outer shell (2).

1 5. Sleeping bag according to one of the preceding claims,
2 characterized by
3 the outer shell (2) and the attachment strips (6), which consist of a thermoplastic material
4 like PVC or polyurethane or a fabric coated with these materials.

1 6. Sleeping bag according to one of the preceding claims,
2 characterized by
3 the dividing walls (5), which consist of tricot or mosquito netting material.

1 7. Sleeping bag according to one of the preceding claims,
2 characterized by
3 the inner shell (3), which consists of a breathable textile;
4 and the dividing walls (5), which are sewn at their other, inner ends to this textile.